

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**JOSEPH WILLIAM BAILEY**

**V.**

**KAREN PRICE, Individually and Acting  
in her Official Capacity as District  
Attorney of Shelby County, Texas**

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**No. 2:03CV457**

**MEMORANDUM ORDER**

Before the Court is Defendant's Motion to Dismiss and for Summary Judgment (Docket Entry # 29).<sup>1</sup> Defendant filed her motion on January 10, 2006. Pursuant to Local Rule CV-7, a party has fifteen (15) days in which to file a response to a motion. Plaintiff has failed to file a response to the motion within the time prescribed by the Local Rules.

The Court will allow Plaintiff additional time in which to file a response to Defendant's motion. Plaintiff shall file a response to Defendant's motion within seven (7) business days from the date of entry of this Order. Plaintiff is advised that failure to respond within the time prescribed may result in an Order granting the above-referenced motion.<sup>2</sup> Based on the foregoing, it is

**ORDERED** that Plaintiff shall file a response, within seven (7) business days from the date of entry of this Order, to Defendant's Motion to Dismiss and for Summary Judgment (Docket Entry # 29). It is further

**ORDERED** that failure to respond within the time prescribed may result in an Order granting

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<sup>1</sup>On January 12, 2005, the above-entitled and numbered cause of action was referred to the undersigned in accordance with 28 U.S.C. § 636(c) and the consent of the parties.

<sup>2</sup> Local Rule CV-7(d) states that "in the event a party fails to oppose a motion in the manner prescribed herein, the Court will assume that the party has no opposition."

the above-referenced motion.

**SIGNED this 6th day of February, 2006.**

  
CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE